

Remarks

Claims 4-16 and 26 are pending.

Claims 1-3 and 17-25 are cancelled.

Claim 13 is amended to recite the advertisement staging component disclosed in the specification on page 11, lines 7-17 and page 13, lines 16-26, and in other places.

Arguments

I. 35 U.S.C. 103(a) Rejection of Claims 4-14, 16, and 26

The Examiner rejected Claims 4-14, 16, and 26 as being unpatentable over Monteiro (U.S. Patent 5,778,187) in view of Srinivasan (U.S. Patent 6,411,992). Applicants disagree with this ground of rejection.

In the comments made by the BPAI in their decision mailed on March 30, 2011, the Board wrote that the claims on file did not perform a “pre-caching” operation where such an operation would be an attempt to consider ahead of time what advertisements would be needed to be inserted into a datastream. That is, the Board found that the structure cited to did not perform such a “pre-caching” operation and that the combination of Monteiro and Srinivasan, because they operate in a real time setting, would anticipate previous Claim 13. Although the Applicants disagree with the BPAI on this issue, the present Claim 13 is very specific about these features.

That is, the present Claim 13 claims, “an advertisement stager which uses said schedule information to stage advertisements for insertion during a next broadcast cycle as determined by said schedule information at a scheduled insertion time determined by said scheduler information” where such an element sets forth advertisements for staging purposes for a “next broadcast cycle”. This is not a current broadcast cycle unlike what the BPAI found within the combination of Monteiro with Srinivasan. That is, one problem with the prior art combination is that without such a staging function, it is likely that advertisements will not be inserted in a timely manner and/or delays can take place which prevent the flow of audio/video content. This is unlike the present invention where a

broadcast provides schedule information to the claimed system, where such schedule information can be used to stage ads for a next broadcast cycle. Such an operation makes it much less likely that there will be delays in the outputting of content, unlike the prior art combination of the Examiner.

For the reasons given above, Applicants assert that Claim 13 is patentable, and Claims 4-12, 14, and 26 are patentable as such claims depend on allowable Claim 13.

II. 35 U.S.C. 103(a) Rejection of Claim 15

The Examiner rejected Claim 15 as being unpatentable over Monteiro (U.S. Patent 5,778,187) in view of Srinivasan (U.S. Patent 6,411,992) and Kostreski (U.S. Patent 5,734,589). Applicants disagree with this ground of rejection. Specifically, Applicants assert that Claim 15 is patentable as such a claim depends on allowable Claim 13.

Respectfully submitted,

Date: May 31, 2011

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